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General Assembly
Sixtieth session
Agenda item 19
Question of Cyprus

Security Council
Sixtieth year

Letter dated 4 October 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 4 October 2005, addressed to you by Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex) forwarding a letter from Mr. Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter, its annex and enclosure could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

05-53827 (E) 071005

Annex to the letter dated 4 October 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of a letter dated 30 September 2005, addressed to you by Mr. Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

(*Signed*) Re at **Çağlar**
Representative
Turkish Republic of Northern Cyprus

Enclosure

I have the honour to refer to the statement made by the Greek Cypriot leader, Mr. Tassos Papadopoulos, at the sixtieth session of the General Assembly in New York on 18 September 2005.

It should be stressed from the outset that, to our utmost disappointment, the speech has clearly revealed, once again, that the Greek Cypriot leadership neither has the political will nor the resolve to engage in a genuine effort for the settlement of the Cyprus problem in a reasonable period of time under the United Nations umbrella.

Instead, the Greek Cypriot leader chose to repeat his well known arguments vis-à-vis the Cyprus problem, the Annan plan and the future of the United Nations settlement process, which are far from being convincing or fostering hope for the settlement of the Cyprus problem in the near future.

He reiterated his claim that rejecting the Annan plan is not rejecting the solution itself in the island. However, your remarks on the matter contained in your report on your mission of good offices (S/2004/437) dated 28 May 2004, which clearly underlines that "What was rejected [by the Greek Cypriots] was the solution itself rather than a mere blueprint" need no further elaboration.

He also asserts that the plan was divisive and could not provide for and could not bring about the reunification of the island. In other words, the Greek Cypriot leader is suggesting that the United Nations, which has been involved in the Cyprus problem for over four decades to help facilitate the reunification of the island and mandated as such by the Security Council, has somehow finalized a plan that is outside the parameters of the Security Council resolutions on Cyprus and does not envisage the unification of the island. This argument is also tantamount to suggesting that the European Union (EU) as well, which has always supported the unification of the island, has instead fully supported a settlement plan that will perpetuate its division.

The truth of the matter is that the plan finalized by the United Nations and fully supported by the EU was a compromise plan, which envisaged the unification of the island along the parameters contained in the Security Council resolutions. In this context, I would like to refer to the briefing to the Council of the then United Nations Under-Secretary-General for Political Affairs, Sir Kieran Prendergast, on 22 June 2005, following his visit to our region. In this briefing, among other things, he stated, and I quote: "The plan as finalized by the Secretary-General is fully in accordance with the vision of a settlement contained in Security Council resolutions" (para. 23). Thus, the Greek Cypriot side should come up with better arguments to justify its rejection of the Annan plan, which had gathered the full support of the international community as a whole.

The reasons why the Greek Cypriot side rejected the plan are indeed well known to us, as well as to the United Nations and the EU. Recent efforts of the Greek Cypriot leadership to extract unilateral concessions from Turkey by exploiting its EU candidacy shed light on the main motive of the Greek Cypriot leadership in rejecting the plan and cast serious doubt on its expressed sincerity for a new United Nations process.

In fact, Mr. Papadopoulos, in his address to the Greek Cypriot people on the eve of the referenda calling for a resounding no to the plan, clearly revealed the strategy of the Greek Cypriot leadership following the rejection of the plan by the Greek Cypriots. In his speech, among other things, he stated, and I quote: "What will be the consequences if the people (Greek Cypriots) vote no at the referendum? ... within a week the Republic of Cyprus will become full and equal member of the EU. We will achieve a strategic goal that we have jointly set to upgrade and politically armor the Republic of Cyprus ... Turkey's accession course will also continue, thus Ankara will be under continuous evaluation for the adoption and implementation of the acquis communautaire, and Cyprus will be one of the evaluators".

Furthermore, the Greek Cypriot leader, by reiterating his demand that in a new United Nations process there should be no arbitration and no deadlines, is indeed giving the recipe for another 40 years of inconclusive negotiations, which can be utilized by the Greek Cypriot leadership for extracting unilateral concessions from Turkey and Turkish Cypriot side within the context of the EU. This is why Mr. Papadopoulos in his speech states that "... the existence of the United Nations negotiating framework cannot serve as a pretext for postponing or refusing o fulfil these obligations (by Turkey within the context of the EU)".

In view of the foregoing, it is naturally not convincing when Mr. Papadopoulos states that he remains committed "to holding negotiations under the umbrella of the United Nations" and "to a bizonal, bicommunal federal Cyprus". At this point, I would like to refer once again, to the above-mentioned report on your mission of good offices, in which you also stated, and I quote: "If the Greek Cypriots are ready to share power and prosperity with the Turkish Cypriots in a federal structure based on political equality, this needs to be demonstrated, not just by words, but by action" and "if they [Greek Cypriots] remain willing to resolve the Cyprus problem through a bicommunal, bizonal federation, this needs to be demonstrated. Lingering Greek Cypriot concerns about security and implementation of the plan need to be articulated with clarity and finality". Despite this call being reiterated by you on various occasions, it has not yet been properly responded to by the Greek Cypriot leadership. The failure and the unwillingness of the Greek Cypriot side to do so clearly demonstrate that it is not interested in a mutually acceptable settlement, despite continuously professing to the contrary.

The Greek Cypriot leader also claims that they "have been implementing substantial practical measures on the ground with the aim of building confidence and promoting the economic development of Turkish Cypriots". The truth, however, is quite different. The difficulties created and the delaying tactics employed by the Greek Cypriot administration on issues such as opening a school in Limassol for Turkish Cypriots residing in the South and opening of new crossing points for reciprocal crossings (i.e. Zodhia-Bostanci gate) are naturally not conducive to building confidence between the two communities. On the contrary, we have been witnessing a sharp increase in the racially motivated attacks against Turkish Cypriots visiting the South, in particular since the rejection of the Annan plan by the Greek Cypriots. Furthermore, the continuing blockage by the Greek Cypriot leadership of the approval by the European Council of the two draft regulations of the Commission (namely direct trade and financial aid regulations) and similar hostile policies of the Greek Cypriot side cannot be considered as promoting the economic development of the Turkish Cypriot people. On the contrary, it is clear

that the aim of the Greek Cypriot leadership is the total strangulation of the Turkish Cypriot people through further tightening of their isolation.

On the issue of the fate of the missing persons in Cyprus, it should be remembered that the resumption of the activities of the Committee of Missing Persons (CMP) came about as a result of the positive initiatives of the Turkish Cypriot side. We continue to believe that this question should be solved in accordance with the terms of reference of the Committee set up through the good offices of the then United Nations Secretary-General in 1981. The failure of the Committee so far to complete its mandate is not due to any lack of cooperation on the part of the Turkish Cypriot side.

As for the "welfare of the enclaved", it should be underlined that the term "enclaved", particularly following the opening of the borders for reciprocal crossings by the Turkish Cypriot side, has become an obsolete and a misleading terminology. However, the Greek Cypriot side continues to refer to the Greek Cypriots residing in the North as enclaved with political considerations.

Most important of all, I would like to draw your attention to the last sentence of Mr. Papadopoulos' address to the General Assembly where he states that: "We also visualize that, with Cyprus' membership to the European Union taking solid roots, a settlement would encompass an integration of the currently occupied area to the characteristics of a European society and the standards of the acquis communautaire in full harmony and osmosis with the rest of the island". In other words, in complete disregard of the international treaties on Cyprus and United Nations parameters established over four decades of negotiations, he openly and blatantly proposes the integration of the Turkish Cypriot people to the "Republic of Cyprus" as a mere minority. The Turkish Cypriot people have demonstrated their will and resolution for the reunification of the island in line with the international treaties on Cyprus and United Nations parameters, but they are also equally resolute in categorically rejecting a minority status in the island in a Greek Cypriot-run "Republic of Cyprus".

(*Signed*) Mehmet **Ali Talat**
President

United Nations A/60/415

General Assembly

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Sixtieth session
Agenda item 120
Follow-up to the outcome of the Millennium Summit

Letter dated 29 September 2005 from the Permanent Representative of Norway to the United Nations addressed to the President of the General Assembly

On 26 July 2005, the Foreign Ministers of Australia, Chile, Indonesia, the United Kingdom of Great Britain and Northern Ireland, Romania, South Africa and Norway signed a joint ministerial declaration on disarmament and non-proliferation. In the declaration, the Ministers expressed their disappointment at the outcome of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and called on all States to take a strong stand on disarmament and non-proliferation at last week's General Assembly Summit. A large number of countries from all regions expressed support for this initiative.

Like so many others, we sincerely regret the absence of any reference to non-proliferation and disarmament in the outcome document adopted by the 2005 World Summit and intend to continue our efforts to gather support for further action on these issues.

On behalf of Australia, Chile, Indonesia, the United Kingdom, Romania, South Africa and my own country, Norway, I kindly ask that you circulate the present letter together with the enclosed ministerial declaration (see annex) as a document of the General Assembly.

(*Signed*) Johan L. **Løvald**
Ambassador
Permanent Representative

05-53833 (E) 101005

Annex to the letter dated 29 September 2005 from the Permanent Representative of Norway to the United Nations addressed to the President of the General Assembly

Ministerial declaration

1. We the Foreign Ministers of Australia, Chile, Indonesia, Norway, Romania, South Africa and the United Kingdom have agreed today on a contribution to the current debates at the United Nations in the field of nuclear disarmament and non-proliferation. This is a critical time for the international community to take stock of how we respond to today's threats, and we are committed to working for a strong outcome for the 2005 World Summit in September.

2. We sincerely regret that an opportunity to strengthen international resolve on non-proliferation and disarmament was missed at the 2005 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) — especially at a time when the risks of proliferation and actual use of nuclear weapons constitute one of the most fundamental threats to our common security. The Treaty is a cornerstone of the global nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. We cannot be complacent about the challenges it confronts. At the Summit, all States must take a strong stand on non-proliferation and disarmament. We believe that failure to do so may ultimately imperil peaceful nuclear cooperation and our shared vision for a world free of nuclear weapons.

3. The NPT rests on three pillars — non-proliferation, disarmament and peaceful nuclear cooperation. We have an obligation to maintain the integrity of this carefully crafted multilateral instrument, and we reaffirm our commitment to its mutually supportive rights and obligations.

4. Full compliance with all articles of the NPT by all States Parties is crucial. States Parties are at all times accountable for compliance with their Treaty obligations. We call for universalization of the Treaty. We also call on States not party to the NPT to fulfil their responsibilities to the international community in the fields of non-proliferation and disarmament.

5. The spectre of nuclear terrorism has placed a new premium on the need to strengthen the global nuclear non-proliferation regime. Finding weapons of mass destruction in the hands of terrorists is today a real and frightening prospect. Terrorists would not hesitate to threaten to use them or to use them. And we know they are trying to acquire them.

6. Current threats require the strengthening of effective measures to safeguard nuclear materials, and to control access to them. All States Members of the United Nations have a solemn obligation to put in place adequate national legislation and enforcement in both areas. We emphasize the obligation of all States to implement Security Council resolution 1540 (2004). We also welcome the amendment to the Convention on the Physical Protection of Nuclear Material, seek its early ratification and encourage States not party to the Convention to accede promptly and ratify its amendment. We recognize that the only full guarantee against the use of nuclear weapons would be complete security of nuclear materials and a world free of all nuclear weapons.

7. We reaffirm the inalienable right of all States Parties to the NPT to develop research, production and use of nuclear energy for peaceful purposes without discrimination but also in conformity with their non-proliferation obligations and safeguards obligations under the Treaty, and provided that peaceful nuclear activities are not diverted for weapons purposes. We recognize the International Atomic Energy Agency (IAEA) as the competent authority responsible to verify and assure compliance with safeguards agreements which States Parties undertake in fulfilment of their obligations under the Treaty. We must continue to strengthen verification to improve the effectiveness and efficiency of IAEA safeguards. This requires concrete commitments from States. We call on all States that have not yet done so to conclude and implement relevant Safeguards Agreements and Additional Protocols without delay; conclusion of both is essential for effective verification. These safeguards measures should facilitate robust peaceful nuclear cooperation. However, States may choose to fully enjoy the benefits of nuclear energy without developing a domestic fuel cycle capability. We should establish mechanisms to ensure guaranteed access to the market for nuclear fuel and related services for States in compliance with their non-proliferation obligations and safeguards obligations under the NPT, as determined by the IAEA. We welcome the report of the IAEA Director General's Expert Group on Multilateral Approaches to the Nuclear Fuel Cycle, and resolve to support all efforts to identify and develop a consensus solution that provides assurances of both supply of services and non-proliferation.

8. We also need firm action to discourage any potential defection from the NPT. Whilst recognizing the sovereign right of States Parties to withdraw from the NPT, we also reaffirm that a State remains liable for breaches of international obligations undertaken prior to withdrawal from a Treaty. Leaving the Treaty must not be considered a viable or consequence-free option. The obligations undertaken by NPT States Parties cannot be retrospectively forgotten; to ensure confidence in the Treaty, we must respond decisively to non-compliance.

9. We believe that general and complete disarmament is a global responsibility. We must continue practical, systematic and progressive efforts to advance nuclear disarmament globally and reduce nuclear weapons towards a world free of nuclear weapons. All States should increase transparency and security of their fissile material holdings. We must seek the early entry into force of the Comprehensive Nuclear Test-Ban Treaty; we also urge the soonest commencement of negotiations without preconditions on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

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The situation in the Middle East

Question of Palestine

Security Council
Sixtieth year

Letter dated 29 September 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of September 2005, and on behalf of the States members of the League of Arab States, I have the honour to enclose a letter dated 29 September 2005, addressed to you from the Arab Group (see annex) concerning the remarks made on 23 September 2005 by Alvaro de Soto, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and Palestine Authority, in his briefing to the Security Council for the month of September 2005 under the Security Council agenda item entitled "The situation in the Middle East, including the Palestinian question" (see S/PV.5270).

I would be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 14 and 15, and of the Security Council.

(*Signed*) Ahmed **Own**
Chargé d'affaires a.i.
Permanent Mission of the Socialist People's Libyan
Arab Jamahiriya to the United Nations
Chairman of the Arab Group

05-53249 (E) 061005

Annex to the letter dated 29 September 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

The Arab Group at the United Nations met on Tuesday, 27 September 2005, to review the statement delivered by Alvaro de Soto, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, to the Security Council during the briefing that was held on 23 September 2005. It was decided by the Arab Group to communicate to you the position of the Group on this serious matter.

The Arab Group wishes to express its deep concern about the remarks made by Mr. de Soto to the Security Council in his monthly briefing. Mr. de Soto's statement was rife with comments that not only did not reflect established legal and political positions of the United Nations system on several matters, but even called into question and cast shadows of vagueness on these positions. In this regard, the Arab Group believes it is imperative to stress the need for all representatives of the United Nations to adhere to the relevant United Nations resolutions and positions in carrying out their official duties in accordance with their mandates. International law and the relevant resolutions of the United Nations organs must constitute the framework and context of their work and should not be departed from or undermined.

The Arab Group is aware of the letter conveyed on this matter to Ibrahim Gambari, the Under-Secretary-General for Political Affairs, by the Permanent Observer of Palestine to the United Nations and concurs with the important legal arguments conveyed therein. However, the Arab Group wishes to refer to a few additional and very clear legal positions established by the International Court of Justice in its advisory opinion of 9 July 2004 on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (A/ES-10/273 and Corr.1) and endorsed thereafter by Member States in their overwhelming support for General Assembly resolution ES-10/15 of 20 July 2004, which were generally disregarded by Mr. de Soto in his statement to the Council.

In this regard, Mr. de Soto referred repeatedly to Israel's need for security as the reason behind the building of the wall in the Occupied Palestinian Territory, including East Jerusalem, despite the fact that this argument was completely rejected by the International Court of Justice in its advisory opinion. In this regard, the Court stated, inter alia, that: "The Court, from the material available to it, is not convinced that the specific course Israel has chosen for the wall was necessary to attain its security objectives. The wall, along the route chosen, and its associated regime gravely infringe a number of rights of Palestinians residing in the territory occupied by Israel, and the infringements resulting from that route cannot be justified by military exigencies or by the requirements of national security or public order" (ibid., para. 137).

Moreover, referring the construction of the wall in the Occupied Palestinian Territory, the United Nations Special Coordinator told the Council that the route of the wall "appears to prejudge the final borders of a Palestinian state". Once again, this matter was conclusively addressed by the court, which found that the route of

the wall, which is in departure of the 1967 border (Green Line), does in fact prejudge the final borders. Indeed, the Court stressed that it "cannot remain indifferent to certain fears expressed to it that the route of the wall will prejudge the future frontier between Israel and Palestine, and the fear that Israel may integrate the settlements and their means of access. The Court considers that the construction of the wall and its associated regime create a fait accompli on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to de facto annexation" (ibid., para. 121).

In addition, when speaking of the matter of the settlements, the wall and Occupied East Jerusalem, Mr. de Soto refers only to the position of the Israeli High Court, rather than to the International Court of Justice, the highest judicial body of the United Nations system which should serve as Mr. de Soto's ultimate reference when discussing those very sensitive and crucial issues. Among other things in this regard, the Court clearly stated that "the route chosen for the wall gives expression *in loco* to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security Council" (ibid., para. 122). Thus, while the international community and the Quartet are focusing on the need for a cessation of settlement activities, including in and around East Jerusalem, and are demanding the dismantlement of the settlement outposts, such comments by Mr. de Soto serve only to create ambiguity about the fundamentally illegal nature and status of the settlements and the wall and appear to accommodate the Israeli position rather than reflecting the position of the United Nations, including the International Court of Justice, or even of the Quartet on these matters.

This is unacceptable conduct and it should not be permissible for a senior United Nations official to advocate positions that undermine the established legal positions of the United Nations. The Arab Group thus expresses its hope that efforts will be undertaken to address this serious issue, with a view to ensuring that all United Nations representatives function in conformity with United Nations resolutions and with their respective mandates.

Furthermore, the Arab Group has observed with concern the lack of references in the recent briefings to the need of establishing a just and comprehensive peace in the Middle East, including on the Syrian and Lebanese tracks.

(*Signed*) Ahmed **Own**
Chargé d'affaires a.i.
Permanent Mission of the Socialist People's Libyan
Arab Jamahiriya to the United Nations
Chairman of the Arab Group

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Agenda item 74
Report of the International Court of Justice

Security Council
Sixtieth year

Note verbale dated 29 September 2005 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

The Permanent Mission of Costa Rica to the United Nations presents its compliments to the Secretary-General and has the honour to transmit herewith a statement of the Ministry of Foreign Affairs and Worship relating to the filing before the International Court of Justice by Costa Rica of a case against Nicaragua concerning navigational rights of Costa Rica on the San Juan River (see annex).

The Permanent Mission of Costa Rica should be grateful if the Secretary-General would arrange for the present note and its annex to be circulated as a document of the General Assembly, under agenda item 74, and of the Security Council.

05-53925 (E) 071005 101005

Annex to the note verbale dated 29 September 2005 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

Costa Rica brings before the International Court of Justice the case concerning its navigational rights on the San Juan River

San José, Costa Rica, 28 September 2005

The Government of Costa Rica announced today that in the next few hours it will bring the case concerning its navigational rights on the San Juan River under relevant legal instruments before the International Court of Justice at The Hague.

The announcement was made by Dr. Abel Pacheco de la Espriella, President of Costa Rica, and Roberto Tovar Faja, Minister for Foreign Affairs and Worship, at a press conference held at the presidential palace at 4 p.m. today, Wednesday, 28 September 2005.

The Minister for Foreign Affairs indicated that he had today instructed the Ambassador of Costa Rica, Edgar Ugalde, to file the case before the International Court of Justice at The Hague.

The Minister will so notify the Government of Nicaragua in the next few hours in a note to be submitted by Roberto Tovar Faja, Minister for Foreign Affairs of Costa Rica, to Norman Caldera, Minister for Foreign Affairs of Nicaragua.

The President of Costa Rica said that, despite the progress achieved as a result of the Agreement signed on 26 September 2002 by the Ministers for Foreign Affairs of Costa Rica and Nicaragua, the issue of Costa Rica's rights with respect to the San Juan River remain in dispute.

He recalled that the mediation and arbitration mechanisms proposed by Costa Rica were not accepted by Nicaragua. "Consequently, pursuant to the principle of peaceful coexistence between nations and in keeping with Costa Rica's traditional respect for international law, we have decided to bring the case before the International Court of Justice".

"It is our hope that on this momentous occasion, the country will come together as a nation", noted the President, adding that "Costa Rica's rights take precedence over any individual interests".

The Minister for Foreign Affairs stated that Costa Rica "comes before the highest international judicial body so as to resolve once and for all the only source of disagreement with Nicaragua".

He reiterated that Costa Rica "is seeking no more or no fewer rights than are provided for under relevant legal instruments".

He noted that "resorting to the International Court of Justice could never be construed as wrecking the friendship between the two peoples. Both Costa Rica and Nicaragua have accepted the Court as a means of ensuring peaceful coexistence and mutual respect between their people".

"We come to the Court with the sincere hope that its decision will serve to eliminate forever any cause for dispute."

"It is my hope that by embarking on this course, we will bequeath to future generations bonds of friendship that will be impervious to any crisis. Such is the responsibility that history thrusts upon us."

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Agenda items 121 and 122

Financial reports and audited financial statements, and reports of the Board of Auditors

Review of the efficiency of the administrative and financial functioning of the United Nations

Measures to strengthen accountability at the United Nations

Contribution made by the Department of Management to the improvement of management practices and time-bound plan for the reduction of duplication, complexity and bureaucracy in the United Nations administrative processes and procedures

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on measures to strengthen accountability at the United Nations (A/60/312). It has also considered the report of the Secretary-General on the contribution made by the Department of Management to the improvement of management practices, and time-bound plan for the reduction of duplication, complexity and bureaucracy in the United Nations administrative processes and procedures (A/60/342). During its consideration of the reports, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarifications.

2. In his report on measures to strengthen accountability at the United Nations, the Secretary-General describes a number of initiatives he has undertaken or plans to undertake to strengthen the accountability framework and oversight mechanisms, as well as ensure ethical conduct and transparency.

3. Upon enquiry, the Advisory Committee was informed that the report of the Secretary-General had been prepared in June 2005 and that much of what was covered in the report would need to be dealt with in the overall context of the implementation of the 2005 World Summit Outcome document. Consequently, the

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Committee will take up these matters in greater detail when it considers the administrative and budgetary implications of the Outcome document. The Committee would also point out that it has made a number of observations on accountability in its report on the proposed programme budget for the biennium 2006-2007.[1]

4. A key element of the Secretary-General's report is his stated intention to establish a United Nations Oversight Committee in response to the request by the General Assembly in resolution 59/272 of 23 December 2004 for the establishment of a "high-level follow-up mechanism" under his authority "to effectively feed findings and recommendations" of the oversight bodies "into the executive management processes" (see A/60/312, para. 24). Although it is stated in the report that "terms of reference for a United Nations Oversight Committee have been prepared and are ready for issuance" (ibid., para. 25), the Advisory Committee notes that Secretary-General's bulletin ST/SGB/2005/18 establishing the Oversight Committee was issued on 7 September 2005. **Thus being stated, the Assembly may wish to ascertain whether or not the establishment of this Oversight Committee fully addresses the request contained in its resolution 59/272.**

5. In this connection, the Advisory Committee discussed the establishment of the United Nations Oversight Committee in some detail, including its terms of reference and membership. The Advisory Committee understands that it is intended as a mechanism for advising the Secretary-General on the follow-up and implementation of audit and oversight recommendations and that its membership is to comprise three senior Secretariat officials at a rank no lower than Assistant Secretary-General and one member who is external to the Secretariat. It was confirmed to the Advisory Committee that the independent oversight advisory committee, the establishment of which is to be discussed by Member States in the context of follow-up to the 2005 World Summit, was to be external to the Secretariat and would report directly to the General Assembly.

6. **The Advisory Committee questions the statement contained in paragraph 26 of the report of the Secretary-General on measures to strengthen accountability at the United Nations that members of the above-mentioned (internal) Oversight Committee "shall act in an independent capacity while performing their advisory role on the Committee". Paragraph 2.4 of document ST/SGB/2005/18 states that "(t)he Chairperson and the members appointed from the Secretariat may not participate in deliberations relating to matters affecting their own department or office". Nonetheless, as senior officials of the Secretariat, it may be difficult for the three internal members to act in an independent capacity. Moreover, given the Oversight Committee's small membership, any absence may have a detrimental effect on its performance. With regard to the terms of reference of the Oversight Committee, as set out in paragraph 25 of the aforementioned report of the Secretary-General, the Advisory Committee has doubts about the appropriateness of the Oversight Committee's providing advice and suggestions on the priorities, long-term strategy and annual audit workplans of oversight bodies, since this might call into question the independence of those bodies.**

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[1] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 7* (A/60/7 and Corr.1), chap. I, paras. 56-61.

7. **Moreover, in the opinion of the Advisory Committee, the terms of reference, composition and working methods of the Oversight Committee will need to be revisited in light of such decision as the General Assembly may take on the follow-up to the World Summit Outcome document.**

8. Section II of the report of the Secretary-General contained in document A/60/342 focuses on the contribution made by the Department of Management to the improvement of management practices in central support services, human resources management and budgetary and financial management during the period from January 2003 through June 2005. Initiatives cited include implementation of the automated space management and automated asset management systems, the vehicle usage system ("CarLog"), the inter-agency systems contracts initiative, the global airline agreement for United Nations organizations, funds and programmes, the United Nations global marketplace, the generic job profiles project, the development of human resources standard data reports, the enhancement of the Electronic Performance Appraisal System (e-PAS) and the Intranet support to budgeting, among others.

9. **The Advisory Committee notes that this is the first time such a report has been prepared. What is conspicuously lacking in the report is a quantification of the impact of the measures taken by the Department of Management. The Committee believes that further elaboration is required on the role of the Department in promoting improved management practices in the Secretariat as a whole. In this connection, the Committee recalls its observations in its report on the proposed programme budget for the biennium 2006-2007 concerning the importance of the management policy function.**[2]

10. Section III of the report contained in document A/60/342 was prepared in accordance with the request of the General Assembly in resolution 59/275 of 23 December 2004 that the Secretary-General develop a time-bound plan for the reduction of duplication, complexity and bureaucracy in United Nations administrative processes and procedures, including the adoption of a Secretariat-wide approach to streamlining and automating them. The report responds in part to recommendations contained in the report of the Office of Internal Oversight Services on the matter (see A/58/211), specifically on measures to automate and streamline the travel process; further automate the processes for rental subsidy, education grant and dependency allowances; identify an organization-wide application for procurement; implement an information security and data privacy policy; and implement a central project registry for computerized systems.

11. **In the opinion of the Advisory Committee, the report of the Secretary-General contained in document A/60/342 merely provides a snapshot of the current status of some of the issues identified by the Office of Internal Oversight Services, but does not present a time-bound plan. More importantly, the report does not set out how the Administration proposes to go about implementing an Organization-wide approach to overcoming duplication, nor does the report set out a mechanism for reviewing working practices and procedures. Information technology is not a solution by itself, but it can serve as a tool for the improvement of administrative processes, procedures and efficiency.**

[2] Ibid., chap. II, para. VIII.10.

12. **The Advisory Committee recommends that the General Assembly request the Secretary-General to submit a comprehensive follow-up report to the Assembly at its sixty-first session, bearing in mind the observations of the Advisory Committee in the present report.**

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Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Groups of countries in special situations: specific actions related to the particular needs and problems of landlocked developing countries: outcome of the International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation

Letter dated 4 October 2005 from the Permanent Representatives of Azerbaijan, Georgia and Turkey to the United Nations addressed to the Secretary-General

We have the honour to forward to you the joint declaration on the "Kars-Akhalkalaki-Tbilisi-Baky new railway connection" project between the Republic of Turkey, Georgia and the Republic of Azerbaijan signed on 25 May 2005, in Baky, Azerbaijan (see annex).

We should be grateful if the present letter and its annex were to be distributed as a document of the General Assembly under agenda items 46 and 55 (b).

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative of the Republic of Azerbaijan to the United Nations

(*Signed*) Revaz **Adamia**
Ambassador
Permanent Representative of Georgia to the United Nations

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative of the Republic of Turkey to the United Nations

05-53953 (E) 101005

Annex to the letter dated 4 October 2005 from the Permanent Representatives of Azerbaijan, Georgia and Turkey to the United Nations addressed to the Secretary-General

[Original: English and Russian]

Declaration on the "Kars-Akhalkalaki-Tbilisi-Baky new railway connection" project between the Republic of Turkey, Georgia and the Republic of Azerbaijan

The Republic of Azerbaijan, Georgia and the Republic of Turkey, further referred as "States",

Supporting the principles and objectives of the protocol signed between the Republic of Azerbaijan, Georgia and the Republic of Turkey, on 28 December 2004 in Tbilisi, and aimed to promote closer integration of these States into the European structures,

Emphasizing the importance of the establishment of the regional transport network for close cooperation in the field of trade-economic relations aimed at ensuring sustainable development and security within the South Caucasus region, as well as Eurasia as a whole,

Expressing mutual interest in the development of the Europe-Caucasus-Asia transport corridor for the improvement of the transport infrastructure within the Transport Corridor Europe-Caucasus-Asia (TRACECA) on the basis of the revival of the historic silk route,

Realizing that the new railway connection project being implemented in the context of the European neighbourhood policy is the key link of the East-West energy transport corridor, and along with the Baky-Tbilisi-Ceyhan oil pipeline and the South Caucasian Baky-Tbilisi-Erzurum gas pipeline, will promote the economic growth, stability and welfare increase in the region,

Have agreed to:

Undertake the necessary measures for the realization of the new railway connection project, which will promote more efficient functioning of the environmentally sustainable, reliable and commercially viable transport corridor;

Follow-up dialogue on the participation of the European Commission in supporting the new railway connection project in the framework of the development of the Europe-Caucasus-Asia corridor, promoting integration with trans-European railway network;

Invite to participate in the realization of this project the regional and international institutions and structures, other countries, as well as investors interested in its promotion and financing;

Set up the Coordination Council and the relevant mechanisms for promotion and implementation of the project in close cooperation with international organizations, in particular the European Union and the TRACECA Intergovernmental Commission Permanent Secretariat;

Ensure the conclusion of an intergovernmental agreement on construction and exploitation of the new railway connection;

Done at Baky on 25 May 2005 in one original, in English and Russian, both texts being equally authentic.

(*Signed*) Ilham **Aliyev**
President of the Republic of Azerbaijan

(*Signed*) Mikheil **Saakashvili**
President of Georgia

(*Signed*) Ahmet **Necdet Sezer**
President of the Republic of Turkey

United Nations A/60/420

General Assembly

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Sixtieth session
Agenda item 138
Financing of the United Nations Operation in Côte d'Ivoire

Revised budget for the United Nations Operation in Côte d'Ivoire for the period from 1 July 2005 to 30 June 2006

Report of the Advisory Committee on Administrative and Budgetary Questions

Appropriation for 2004/05	$378,472,800
Initial budget submitted by the Secretary-General for 2005/06	$371,835,600
Recommendation of the Advisory Committee for 2005/06	$367,610,000
Appropriation for 2005/06	$367,501,000
Revised estimates submitted by the Secretary-General for 2005/06	$423,130,600
Recommendation of the Advisory Committee for 2005/06 (revised)	$418,777,000

I. Introduction

1. **The recommendations of the Advisory Committee in paragraph 13 below and the delayed deployment of civilian personnel (see para. 14 below) would entail a reduction of $4,353,600 gross ($3,811,200 net) in the proposed revised budget of the United Nations Operation in Côte d'Ivoire (UNOCI) for the period from 1 July 2005 to 30 June 2006 (A/60/364).**

2. The documents used by the Advisory Committee in its consideration of the financing of UNOCI are listed at the end of the present report.

3. By its resolution 1609 (2005), the Security Council extended the mandate of the Operation for a period of seven months until 24 January 2006, authorizing an

05-53947 (E) 121005

increase in the military and civilian components of UNOCI of up to 850 additional military personnel and of up to a ceiling of 725 civilian police personnel, including three formed police units, and the necessary additional civilian personnel.

4. The proposed revised budget for UNOCI for the period from 1 July 2005 to 30 June 2006 (A/60/364) should be read in conjunction with the report of the Secretary-General on the initial budget proposals for this period (A/59/750) and the related report of the Advisory Committee (A/59/736/Add.15) which reviewed in detail the Operation's results-based framework, operational costs, staffing and other administrative matters. The Committee's recommendations were endorsed by the General Assembly in its resolution 59/16 B of 22 June 2005; the present review is therefore limited to the examination of the additional requirements submitted by the Secretary-General subsequent to the extension of the mandate of the Operation by the Security Council.

II. Revised budget for the period from 1 July 2005 to 30 June 2006

A. Mandate and planned results

5. **The Advisory Committee notes with appreciation that the additional and revised expected accomplishments, indicators of achievement and outputs have been presented with clarity.**

6. The Advisory Committee was updated on the latest developments in Côte d'Ivoire by senior officials of UNOCI and the representatives of the Secretary-General. Major aspects of the Pretoria Agreement of 6 April 2005 and the Pretoria Declaration of 29 June 2005 remained unimplemented and it was now clear that elections would not take place on 30 October 2005. Efforts to reach an agreement on the timing of the elections and the implementation of the disarmament, demobilization and reintegration process continued; in the meantime, the situation remained volatile.

B. Resource requirements

7. The proposed revised budget for UNOCI amounts to $423,130,600, representing an increase of $55,629,600 or 15.1 per cent resulting from the increase in troop strength and civilian police authorized, 100 civilian posts to be established and additional operational costs. A breakdown of financial resources by category is provided in table 1 below.

Table 1
Financial resources

Category	*Apportionment (2004/05)*	*Initial apportionment (2005/06)*	*Revised cost estimates (2005/06)*	*Variance*	
				Amount	*Percentage*
Military and police personnel	161 258 800	165 446 000	195 613 100	30 167 100	18.2
Civilian personnel	50 717 500	67 364 800	71 943 500	4 578 700	6.8
Operational costs	166 496 500	134 690 200	155 574 000	20 883 800	15.5
Total requirements	**378 472 800**	**367 501 000**	**423 130 600**	**55 629 600**	**15.1**

Military and police personnel

8. The Advisory Committee was informed that deployment of additional military and police personnel authorized under Security Council resolution 1609 (2005) was proceeding smoothly and was scheduled to be completed by 31 October 2005. The provision requested is based on the phased deployment of additional contingent personnel and a 3 per cent delayed deployment factor. A troop contributor for the aviation unit has also been identified and the unit is expected to be deployed in early November 2005. **Should there be savings as a result of any delays in deployment, these should be reported in the performance report.**

9. From the supplementary information provided, the Advisory Committee notes a considerable increase under freight and deployment of contingent-owned equipment, from $1,650,000 to $6,015,300 (265 per cent). The Committee notes that this is partly due to costs for airlifting contingent-owned equipment for the advance deployment of troops and special forces. **Given the high costs of airlifting materiel, the Advisory Committee requests that efforts be made to reduce costs by using sea or land transportation wherever less expensive and feasible.**

Civilian personnel

10. The Advisory Committee notes that the revised estimates have been established on the basis of the current budgeted vacancy rates, namely, 20 per cent for international staff, 15 per cent for national staff and 20 per cent for United Nations Volunteers. The Committee was provided with additional information on incumbency levels as at 31 August 2005.

Table 2
Human resources — civilian personnel

Posts	*Authorized*	*Encumbered 31 Aug. 2005*	*Budgeted vacancy rate (percentage)*	*Vacancy rate 31 Aug. 2005 (percentage)*	*Additional posts requested*	*Total requested*
International staff	422	293	20	30.6	32	454
National General Service staff	453	366	15	19.2	47	500
National officers	21	18	15	14.3	1	22
United Nations Volunteers	225	160	20	28.9	20	245
Total civilian	**1 121**	**837**		**25.3**	**100**	**1 221**

11. Updated information on international staff provided to the Committee upon request indicated that as at 28 September 2005, the vacancy rate was 29 per cent (299 encumbered posts) and that, taking into account the recruitments projected up to 30 November 2005, it would drop to 18 per cent. The Committee was informed that UNOCI continued to encounter difficulties in recruiting international staff, mainly owing to competition from other peacekeeping missions for French-speaking candidates. Despite the importance of placing French-speaking personnel in positions that come into direct contact with the local population, for example security personnel, the Operation's management was considering filling posts with non-francophone personnel rather than leaving them vacant. **Nonetheless, the Advisory Committee is of the view that current vacancy levels remain far too high (see para. 13 below). It trusts that a pragmatic solution will be found to enable the mission to fill authorized positions expeditiously.**

12. In the proposed revised budget it is requested that 100 additional civilian posts be established: 32 international posts (1 P-4, 13 P-3, 17 Field Service, 1 General Service), 47 national General Service staff, 1 national officer and 20 United Nations Volunteers. The additional posts requested, by component, are the following:

(a) *Disarmament, demobilization, reintegration, repatriation and resettlement*: Six posts, including three regional disarmament, demobilization and reintegration officers (P-3) and three administrative assistants (national General Service);

(b) *Peace process*: 10 posts — six regional electoral officers (P-3) and four civil affairs officers (UNVs);

(c) *Law and order (civilian staff)*: Two posts — one administrative assistant (FS) and one administrative assistant (national General Service staff);

(d) *Support component, Administrative services (finance, human resources, procurement and general services sections)*: 11 posts — one P-3, two FS, six national General Service and two UNVs;

(e) *Support component, Medical services*: 14 posts — one P-4, one P-3, one National officer, five national General Service staff and six UNVs;

(f) *Support component, Integrated support services (communication and information technology, engineering, supply, movement control, transportation and*

air operations sections): 50 posts — two P-3, 11 Field Service, 30 national General Service and seven UNVs;

(g) *Security Section*: Seven posts — four Field Service, one General Service and two national General Service staff.

13. **In view of the critical situation which the mission now faces, the Advisory Committee will not interpose an objection to the establishment of any specific post. However, taking into account the vacancy situation (see table 2 above), it questions whether, with the additional new posts, an 18 per cent or even a 20 per cent vacancy level can be achieved. The Committee recommends therefore that the revised budget estimates be established on the basis of a 25 per cent vacancy rate for international staff, taking into account the updated deployment schedule (see para. 14 below). This would result in a reduction of $4,047,400 over the proposed revised budget.**

14. **The Advisory Committee was provided with an updated deployment schedule for the additional 100 civilian staff requested (32 international staff, 48 national staff and 20 UNVs), which indicated that the deployment of these additional personnel, which was to take place between August and October 2005, would be phased through the period from October 2005 to January 2006. This delayed deployment would lead to a further cost reduction of $306,200 under the civilian personnel component for national staff and UNVs.**

Electoral assistance

15. The Advisory Committee notes that at the request of the Security Council the Secretary-General has designated, as an exceptional arrangement, a High Representative for the Elections in Côte d'Ivoire, whose office is autonomous of the mission. The Advisory Committee was informed that the staff and other expenses of the Office of the High Representative are funded through the United Nations Development Programme (UNDP). The Committee understands that, in addition, a number of electoral experts will also be provided by UNDP for this office; however, it is unclear how these new positions will affect the requirements of UNOCI. **The Advisory Committee requests UNOCI to coordinate closely with the Office of the High Representative to avoid duplications between their spheres of activity.**

16. The Advisory Committee recalls that the General Assembly endorsed its recommendation for the approval of two P-3 regional electoral officers and two P-2 regional electoral officers (see resolution 59/16 B of 22 June 2005). An additional six P-3 regional electoral officers are now requested. As noted in paragraph 6 above, the timing of the elections remains uncertain. In his latest progress report to the Security Council on the United Nations Operation in Côte d'Ivoire (S/2005/604) of 26 September 2005, the Secretary-General indicates that there have been further delays in the constitution of the Independent Electoral Commission and the passing of essential legislation which would allow the registration of voters to proceed. **The Advisory Committee trusts that the recruitment and deployment of these officers will be directly linked to developments in the electoral process.**

III. Conclusion

17. **In view of the recommendation of the Advisory Committee in paragraph 13 above and the cost reductions resulting from the delayed deployment schedule for additional civilian staff (see para. 14 above), the estimated additional requirement would be reduced from $55,629,600 gross to $51,276,000 gross.**

Documentation

- Report of the Secretary-General: Revised budget of the United Nations Operation in Côte d'Ivoire for the period from 1 July 2005 to 30 June 2006 (A/60/364) (Advance version)
- Report of the Advisory Committee on Administrative and Budgetary Questions on the proposed budget for the United Nations Operation in Côte d'Ivoire for the period from 1 July 2005 to 30 June 2006 and expenditure report for the period from 4 April to 30 June 2004 (A/59/736/Add.15)
- General Assembly resolution 59/16 B on the financing of the United Nations Operation in Côte d'Ivoire
- Security Council resolution 1609 (2005)
- Fifth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2005/398 and Add.1)
- Sixth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2005/604)

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Sixtieth session
Agenda items 124 and 131

Proposed programme budget for the biennium 2006-2007

United Nations common system

Administrative and financial implications of the decisions and recommendations contained in the report of the International Civil Service Commission for 2005

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly*

Summary

Pursuant to rule 153 of the rules of procedure of the General Assembly, the present statement is submitted detailing the administrative and financial implications of the decisions and recommendations of the International Civil Service Commission on the common system, in particular their implications on the proposed programme budget of the United Nations for the biennium 2006-2007. The recommendations and decisions of the Commission having an effect on the proposed programme budget for the biennium 2006-2007 will be reflected in the recosting of the proposed programme budget estimates prior to determination of the appropriation to be adopted by the General Assembly.

* The present statement of implications could only be produced subsequent to the receipt of the subject report of the International Civil Service Commission.

05-54220 (E) 121005

I. Introduction

1. The thirty-first annual report of the International Civil Service Commission (ICSC)[1] contains specific decisions and recommendations with financial implications for the proposed programme budget for the biennium 2006-2007 related to the following issues (the paragraph numbers refer to the ICSC report):

(a) Conditions of service of staff in the Professional and higher categories: base/floor salary scale and staff assessment scale (paras. 186-193);

(b) Conditions of service applicable to both categories of staff: hazard pay (paras. 130-147);

The report of the Commission also contains decisions and recommendations in paragraphs 161, 162, 256 and 259 involving financial implications for the United Nations system organizations which, however, would have no financial implications for the United Nations proposed programme budget.

II. Conditions of service of staff in the Professional and higher categories

A. Base/floor salary scale

2. The General Assembly, in section I.H of its resolution 44/198 of 21 December 1989, established a floor net salary scale for staff in the Professional and higher categories by reference to the corresponding net salary levels of officials in comparable positions serving in the base city of the comparator civil service (the federal civil service of the United States of America). The base/floor salary scale was part of an integrated package of measures in which negative classes of post adjustment were eliminated.

3. The General Schedule salary scale for the United States federal civil service in Washington, D.C., the current comparator, increased by 2.5 per cent on a gross basis, as from 1 January 2005. The 2005 General Schedule increase, combined with the effect of tax changes, resulted in GS-13/GS-14 salary levels that were 2.49 per cent higher than the current base/floor salary scale. In accordance with the approved procedures and past practices, this would call for an upward adjustment of the common system salary scale by 2.49 per cent. The Commission, in its 2005 annual report,[1] decided to recommend to the General Assembly an upward adjustment of the current base/floor salary scale for staff in the Professional and higher categories by 2.49 per cent, with effect from 1 January 2006. The increase of 2.49 per cent for the year 2006 in the base/floor salary scale would be implemented through the standard method of consolidating post adjustment multiplier points on a no-loss/no-gain basis.

4. The financial implications resulting from the above-mentioned adjustment of the base/floor salary scale for the United Nations and other participating organizations of the common system have been calculated by ICSC on an annual basis in the amount of $2,811,900, broken down as follows:

(a) For duty stations with low post adjustment that would otherwise fall below the level of the new base/floor: none;

(b) In respect of mobility/hardship allowance: $2,380,000;

(c) In respect of the scale of separation payments: $431,900.

5. The biennial financial implications of the above recommendation for the United Nations proposed programme budget for the biennium 2006-2007 have been estimated at $975,300. The amount would include: (a) an increase of $484,400 in the level of mobility and hardship allowance, and (b) an increase of $490,900 in the level of separation payments.

B. Adjustment of staff assessment rates

6. In the context of the review of the revised base/floor scale adjustment, the Commission noted that the representatives of the United Nations Secretariat informed the ICSC secretariat that, in order to address imbalances in the Tax Equalization Fund, a reduction in staff assessment rates by 20 per cent would be required to lower the staff assessment contributions to the Fund.

7. Over the past few years incomes of the Tax Equalization Fund have consistently exceeded the requirements for reimbursements to staff members subject to United States income taxes. At 31 December 2004, a cumulative surplus of the Tax Equalization Fund had reached $87.8 million.

8. The Commission noted the information received from the Secretariat and proposed a new staff assessment scale for the Professional and higher categories of staff reduced by 20 per cent with effect from 1 January 2006 (see annexes VI and VII to its report). The proposed adjustment would lower the gross salaries by 20 per cent, but it would have no effect on net salaries.

9. It is estimated that application of the new staff assessment rates for Professional and higher categories of staff would result in a reduction of the estimated requirements for the biennium 2006-2007 in the amount of $48,890,000 under section 35, Staff assessment. The estimated incomes under Income section 1, Income from staff assessment, would also be reduced in the same amount, resulting in a zero net effect for the total level of the proposed programme budget for the biennium 2006-2007. It is the intention of the Secretariat to bring to the attention of the Commission at its sixty-second session in 2006 the issue of a common scale of staff assessment rates for General Service and other locally recruited categories of staff for its review and decision on the level of those rates.

III. Conditions of service applicable to both categories of staff: hazard pay

10. Based on its 2005 review of the level of hazard pay for both categories of staff, the Commission decided to increase the level of hazard pay granted to internationally recruited staff from $1,000 to $1,300, effective 1 January 2006. The Commission also decided that the current level of hazard pay for locally recruited staff (25 per cent of the midpoint of the local salary scale for General Service staff) should remain unchanged. The Commission also reiterated its commitment to the principle of hazard pay and expressed its appreciation for the dedication and commitment of all those staff working in hazardous conditions.

11. The total annual financial implications of that decision for the United Nations and other participating organizations of the common system have been estimated by the Commission at $1,440,900. These estimates are based on the 2002 staff statistics of the United Nations system organizations.

12. Over the past three years the Organization has experienced a significant expansion in the number and scope of its special political missions, in particular those deployed in high-risk areas. Accordingly, in estimating the implications of the proposed increase in the level of hazard pay granted to international staff, the Secretariat utilized its most recent statistical information on the number of staff deployed in the field in the context of special political missions. At present, about 700 posts for internationally recruited staff have been utilized in special political missions at duty stations classified as hazard pay duty stations. Based on those statistics, the annual financial implication for the United Nations proposed programme budget for the biennium 2006-2007 has been estimated at $2,347,000, for a total potential impact for the biennium in the amount of $4,694,000.

IV. Conclusions and recommendations

13. **The financial implications for the United Nations proposed programme budget for the biennium 2006-2007 resulting from the decisions and recommendations of ICSC are summarized below:**

	United States dollars
Remuneration of staff in the Professional and higher categories:[a]	
Mobility/hardship allowances	484 400
Separation payments	490 900
Conditions of service applicable to both categories of eligible staff:[b]	
Hazard pay, internationally recruited staff (1 January 2006 to 31 December 2007)	4 694 000
Total	**5 669 300**

[a] See para. 5 above.
[b] See para. 12 above.

14. **Accordingly, the related additional requirements under the proposed programme budget for the biennium 2006-2007 resulting from the recommendations and decisions of ICSC have been estimated to be in the order of $5,669,300, net of staff assessment. These additional requirements for the biennium 2006-2007 will be reflected in the recosting of the proposed programme budget estimates prior to determination of the appropriation to be adopted by the General Assembly.**

15. **As regards the estimated reduction in requirements for staff assessment for the biennium 2006-2007 under section 35, Staff assessment, in the amount of $48,890,000, these will be offset by a reduction of a corresponding amount of income under Income section 1, Income from staff assessment. These changes**

will also be reflected in the recosting of the proposed programme budget for the biennium 2006-2007 prior to determination of the appropriation to be adopted by the General Assembly.

Notes

[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 30* (A/60/30).

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Sixtieth session
Agenda item 7 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in Myanmar

Report of the Secretary-General

Summary

The present report is based upon the good offices efforts undertaken by the Secretary-General and his Special Envoy aimed at facilitating national reconciliation and democratization in Myanmar, in accordance with General Assembly resolution 59/263 of 23 December 2004.

The Secretary-General believes that the National Convention, which is charged with drawing up the principles based upon which a new constitution will be drafted, and the seven-point road map towards democracy announced by the Myanmar authorities in 2003, have the potential to generate positive change. However, as he has stressed from the beginning, the road map process should be transparent and all-inclusive in order to ensure its credibility. To date, the National Convention — whose reconvening in 2004 constituted the first step of the seven-point road map, has regrettably fallen short of satisfying these basic requirements. The Convention, which is expected to resume later in 2005, continues to exclude representatives from many political parties, including the National League for Democracy, and several ethnic nationality groups, as well as other crucial groups of society. It also fails, in its present format, to adhere to the recommendations made by successive resolutions of the General Assembly. The Secretary-General thus reiterates his call upon the Myanmar authorities to take the necessary steps to make the road map process more inclusive and credible when the Convention resumes later in 2005, and during subsequent phases of the road map process, including those for drafting the constitution and organizing a national referendum.

As a first step towards that end, the Secretary-General encourages the Myanmar authorities to resume dialogue with the representatives of all ethnic nationality groups and political leaders. Such a step should commence as soon as possible and be followed by: further release of political prisoners; the lifting of the remaining

05-54271 (E) 141005

constraints on all political leaders; reopening of offices of the National League for Democracy; and inclusion of the aforementioned groups in the ongoing road map process. The Secretary-General hopes to see these steps implemented by the first half of 2006. If progress occurs, the Secretary-General is prepared to do his utmost to mobilize all the necessary international assistance to support the Myanmar authorities in facilitating their national reconciliation efforts so that the people of Myanmar can partake in the same benefits of economic, social and political development as are enjoyed in neighbouring countries.

I. Introduction

1. The present report is submitted pursuant to paragraph 4 of General Assembly resolution 59/263 of 23 December 2004 entitled "Situation of human rights in Myanmar", in which the Assembly requested the Secretary-General, inter alia, to continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and people of Myanmar, including all relevant parties to the national reconciliation process, and to report to the Assembly at its sixtieth session, and to the Commission on Human Rights at its sixty-first session, on the progress made in the implementation of that resolution.

2. The Secretary-General's good offices efforts have encountered considerable difficulties since the ousting of the former Prime Minister, General Khin Nyunt, and his associates in the fourth quarter of 2004, which resulted in a significant reduction of political contacts between the United Nations and the Myanmar authorities. His Special Envoy has not been allowed to visit Yangon since March 2004 and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar since November 2003; consequently, political discussions with the Government of Myanmar have been held only outside the country on limited occasions.

3. Nevertheless, the Secretary-General remains committed to offering his good offices to facilitate national reconciliation in Myanmar. The Secretary-General believes that the seven-point road map towards democracy announced by the Myanmar authorities in 2003 has the potential to generate positive change. Furthermore, accepting that Myanmar faces complex and difficult challenges in both its transition to democracy and its quest for national reconciliation, he has acknowledged that the National Convention, whose reconvening in 2004 constituted the first stage of Myanmar's seven-point road map towards democratic transition, has a potential role to play. He has advised the Myanmar authorities that the process must become all-inclusive and democratic, permitting views to be expressed freely and openly, in order to attain the full support of the international community.

4. Regrettably, the National Convention, which met from May to July 2004 and again from February to March 2005, did not include representatives from either the National League for Democracy (NLD) or several other ethnic nationality political parties, including the Shan Nationalities League for Democracy (SNLD), which had won the second largest number of seats in the 1990 elections. The restrictions on the movement and political freedom of many political leaders, including the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, have either stayed the same or worsened: offices of the National League for Democracy remain closed, except for its headquarters in Yangon; and despite the release of 249 political prisoners welcomed by the Secretary-General in his statement of 7 July 2005 (press release SG/SM/9982), the detention and arrest of people who express their political views continue. These developments are incompatible with the processes of democratization and national reconciliation, however they are defined. The National Convention, as currently configured, can be regarded neither as being genuinely all-inclusive nor as adhering to the recommendations made by the General Assembly in successive resolutions and by the Commission on Human Rights.

II. Content of the discussions

5. In an effort to resume political discussions and facilitate national reconciliation and democratization in Myanmar, the Secretary-General, together with his Special Envoy, met with Senior General Than Shwe, Chairman of the ruling State Peace and Development Council (SPDC), on the sidelines of the Asia-Africa summit held in Jakarta in April 2005. The Secretary-General and his Special Envoy underscored the need to make the ongoing National Convention process more inclusive and credible and encouraged the Myanmar authorities to engage with the National League for Democracy and other political parties in a substantive dialogue on how they can work together for the benefit of the people of Myanmar. Separately, his Special Envoy also met with the Minister for Foreign Affairs, U Nyan Win, on the margins of the Tenth Summit Meeting of the Association of Southeast Asian Nations (ASEAN), held in Vientiane in November 2004.

6. Senior General Than Shwe took note of the points raised by the Secretary-General and invited him to visit Myanmar. He renewed the invitation for the Secretary-General to visit Myanmar "at a mutually convenient date" during his meeting with Mr. Ali Alatas, who visited Yangon in his capacity as the Secretary-General's Special Envoy for Reform in August 2005.

7. The overall developments in the past year do not meet United Nations expectations: the National Convention still excludes the representatives of the National League For Democracy and other political parties; the call of the National League For Democracy for dialogue since December 2004 has gone unheeded by the Government; and the detention of Daw Aung San Suu Kyi and her Deputy, U Tin Oo, was extended in November 2004 for another year. While the ceasefire agreements between the Government and 16 ethnic nationality groups seem to be holding, the arrests of several Shan leaders, including the President of the Shan State Peace Council (SSPC) and the Chairman of the Shan Nationalities League for Democracy in early 2005, have reportedly led to the withdrawal of the Shan State National Army (SSNA) from its ceasefire agreement with the Government and to a surge of violence in various parts of Shan State. The peace talks that resumed between the Government and the Karen National Union (KNU) in 2004 have reportedly stalled. Conflict has also escalated along the Myanmar-Bangladesh border.

8. The United Nations funds and programmes, and the organizations, tasked to provide humanitarian assistance for the people of Myanmar have been compelled to operate in a more restricted operational environment, with authorities imposing onerous fees, bureaucratic hurdles, and extensive restrictions on both travel to projects sites and the import of supplies and equipment. The Global Fund to Fight AIDS, Tuberculosis and Malaria recently withdrew its funding pledges of $98 million from Myanmar on the grounds that "its grants to the country cannot be managed in a way that ensures effective programme implementation". A significant risk exists that other aid groups will follow suit, thereby worsening the plight of millions of people in Myanmar.

9. In addition to the above issues, there has been an increase in the risk of a humanitarian crisis erupting in Myanmar due to: damaging socio-economic policy decisions by the Government and the absence of the rule of law. As it is understood that political realities greatly impact upon the humanitarian situation, the need is

paramount for the Government to establish a viable development strategy. The most recent official figures identify the areas of hunger/malnutrition, HIV/AIDS, poverty and education as among those whose problems are of highest concern, noting that they are negatively affecting an increasing proportion of the population in Myanmar.

III. Observations

10. More than 10 years have passed since the Secretary-General was first asked by the General Assembly to provide his good offices in facilitating national reconciliation and democratization in Myanmar. In the meantime, the citizens of Myanmar have endured unnecessary social and economic hardship because of the absence of an all-inclusive process of democratization and national reconciliation in their country. Their predicament has been compounded by economic policies that have prevented the vast majority from improving their livelihoods.

11. The Secretary-General thus reiterates his call upon the Myanmar authorities to take the necessary steps to make reform efforts more inclusive and credible when the National Convention resumes later in 2005 and during subsequent phases of the road map process, including those for drafting the constitution and organizing a national referendum. In this context, the Secretary-General recalls that Daw Aung San Suu Kyi has expressed her readiness to cooperate with the Government for the good of the people. Similar willingness has also been expressed by the representatives of ethnic nationality political parties.

12. The Secretary-General thus encourages the Myanmar authorities to resume dialogue with the representatives of all ethnic nationality groups and political leaders. Such a step should commence as soon as possible and be followed by: further release of political prisoners; the lifting of the remaining constraints on all political leaders; reopening of offices of the National League for Democracy; and inclusion of the aforementioned groups in the ongoing road map process. The Secretary-General hopes to see these steps implemented by the first half of 2006. He further calls upon countries of the region, particularly China, India and ASEAN member States, to take a leading role both in providing counsel for, and in accelerating the pace of, political, economic and socio-humanitarian reform in Myanmar. The Secretary-General welcomes the Chairman's statement made at the Twelfth Meeting of the ASEAN Regional Forum on 29 July 2005, in which he called for "lifting of restrictions and for effective dialogue with all parties concerned"; "an early resumption of the visit to Myanmar" by the Special Envoy of the Secretary-General for Myanmar; and "continued cooperation with other relevant United Nations agencies".

13. If progress occurs, the Secretary-General is prepared to do his utmost to mobilize all the necessary international assistance to support Myanmar authorities in facilitating their national reconciliation efforts in order to ensure that the people of Myanmar can partake in the same benefits of economic, social and political development as are enjoyed in neighbouring countries.

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Identical letters dated 7 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a statistical table showing the Israeli violations of Lebanese sovereignty which occurred during September 2005 (a total of 92 violations).

These violations are in contravention of the relevant Security Council resolutions, the latest of which is resolution 1614 (2005), and go against the Secretary-General's repeated calls for their cessation, most recently in his report S/2005/460 of 20 July 2005. Lebanon urges the United Nations to compel Israel to desist from these violations, which constitute a threat to international peace and security, and holds Israel responsible for any consequences to which those acts may give rise.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under the agenda item on the situation in the Middle East, and of the Security Council.

(*Signed*) Ibrahim **Assaf**
Chargé d'affaires a.i.

05-54433 (E) 111005 121005

Annex to the identical letters dated 7 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations of Lebanese sovereignty during September 2005

Air violations				*Sea violations*	*Land violations*			*Total violations*
					Military acts of aggression	*Field violations*	*Breaches*	
Military jet	Reconnaissance	Helicopter	Total	Crossing of territorial waters, artillery fire and shooting of flares and firebombs over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, shooting of flares, dropping of artillery missiles, infiltration and crossing of international borders	Threats and displaying of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory	
15	47	4	66	19	-	3	4	92